E/S Sawyer Court, 105 ft. S of * ZONING COMMISSIONER Seawork Road 705 Sawyer Court * OF BALTIMORE COUNTY 9th Riection District

4th Councilmanic District * Case No. 93-171-A John Morabito, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 ft., in lieu of the required 15 ft., and a sum of side yard setbacks of 18 ft., in lieu of 25 ft., for enlargement of the garage, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) in/are competent to

PLANS to occupy dwelling in JAN. 1993
That based upon personal knowledge, the following are the facts upon which live base the request for an Administration

Baltimore,

The garage at this residence is 17 feet deep. Mr. Morabito's pickup truck, which he uses in

so the truck and car can fit with enough room to walk around them. The extension would

permitted purpose of securing vehicles in garages, but also would result in an eyesore to neighbors because the truck would be parked in the driveway in open view. Granting the

variance would not be a substantial injustice to other property owners; neither the two next

proposed work. Finally, granting this variance preserves the spirit of the ordinance requiring

open space between residences since a setback of 8 feet will remain along the width of the

That Afficat(s) acknowledge(s) that if a protest is filed, Afficat(s) will be required to pay a reposting and advertising for and

JOHN MORABITO AND CONSTANCE MORABITO

door neighbors nor the Campus Hills Community Association have any objection to the

reduce the side yard setback to 8 feet along the width of the garage. Strict compliance with the setback requirement in this case not only would prevent the use of the property for the

his iob. is 19 feet long and will not fit in the garage. Also, the family's car just barely fits in the garage. A variance is requested so the back wall of the garage can be extended five feet

testify thereto in the event that a public hearing is acheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5000 Anthony Ave.

Variance at the above address: (indicate hundaria or prested difficulty)

garage after the extension is built.

AS WITNESS my hand and Notarial Seel.

navender 18, 1993

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of December, 1992 that the Petition for a Variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 ft., in lieu of the required 15 ft., and a sum of side yard setbacks of 18 ft., in lieu of 25 ft., for enlargement of the garage, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

> > LANGENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

street) (number of feet of right-of-way width) #(29), Block (1), Section #(10-16) in the subdivision of CON PUS

and include the measurements and directions (motes and bounds only) here and on the plat in the correct

"Typical motor and bounds: H.87" 12' 13" E. 321.1 ft., 8.18° 27' 03" E. 67.2 ft., 8.62° 19' 00" W. 310 ft., and H.00° 15' 22" H.80 ft. to the place of beginning

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

Constance Morabito

-2-

THE DESCRIPTION 93-171-A -3 copies required

er of total square feet or acres in lot)
and located in the (9) Election District.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 29, 1992

Mr. and Mrs. John Morabito 5000 Anthony Avenue Baltimore, Maryland 21206

> RE: Petition for Administrative Zoning Variance Case No. 93-171-A 705 Sawyer Court

Politices John & Constance Morabito

Location of property: Els (705) Sawy or Cl. 105 5/Sogword-Ro

Location of signer facing ruad way, on proporty of Piliting

Dear Mr. and Mrs. Morabito:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

which to presently send DR-3.5

This Petition shall be filed with the Office of Zening Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Beltimore County and which is described in the description and plat attached The undereigned, legal owner(s) or the property section (a) 1802.3.8 (1955 regulation) To allow a side yard setlack of 8' in for a combination of 18' in lieu of the required 15' for a combination of 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardehip or

The garage at this residence is 17 feet deep. Mr. Marabitu's pickup truck, which he uses in life job, is 19 feet lang and will not it in the garage. Also, the family's our just bandy the in the garage. A variance is requested so the bank well of the garage can be extended five feet so the truck and our can it with entury reason to walk around them. The extension would reduce the side yard softent to 8 feet along the width of the garage. Strict compliance with the selback requirement in this case not only would prevent the use of the property for the permitted purpose of securing vehicles in garages, but also would result In an eyecore to neighbors because the truck would be parted in the driveway in open view. Granting the variance would not be a substantial injustice to other

property owners; retires the two next door neighbors nor the Campus Hills Conversity Association have any objection to the proposed work. Finally, granting this variance preserves the split of the ordinance requiring open space between residences since a setback of 8 feet sell remain along the width of the garage Property is to be posted and advertised as prescribed by Zoning Regulations.), or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ype or Print Name) gnature	Phone No	Zocode	Address Balto., Cay Name Address and phone number of legal cumer to be contacted John Morabito Name 5000 Anthony Ave.	
rpe or Print Name) Induse	Phone No.		Address Balto., Cay Name Address and phone number of legal owner. to be contacted John Morabito	Phone No 1'D 212 Inter Zipcode contract purchaser or repres
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Type or Print Name)	<u> </u>		(Type opinint plame)	
			John Morabito	
Contract Purchaser/Lesses			Legal Owner(s)	
Contract Purchaser/Lasses			- ,-	of this Publica

•	REVIEWED BY: ###################################	1://9	/9
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Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

December 4, 1922

(410) 887-3353

Mr. and Mrs. John Morabito 5000 Anthony Avenue Baltimore, MD. 21206

> RE: Case No. 93-171-A. Item No. 179 Petitioner: John Morabito, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Morabito:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Three copies of the zoning description of your property are required. Type or print this description, standard $8-1/2^{\circ}$ x 11° sheets are acceptable. Host property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

"If your property is not recorded by Plat Book and Polic Humber, then BO NOT attempt to use the Let, Black and Bubdivision description as shown, instead state: "Re recorded in Deed Liber #278, Folio (1/1)"

FUBLIC HEARING FEES

TONING VARIANCE (IRL)

CAST NAME OF FUNERS MORABITO

Car Grantin Stone / Speed Charles

04A04#0075MICHRC

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 19th day of November 1992.

Zoning Plans Advisory Committee

Petitioner: John Morabito, et ux Petitioner's Attorney:

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$\Box \cup$	Printed on Recycled Paper

43-171-A	12-21-92

93-171-A

Project Name File Number Waiver Number	Zoning Issue	Meeting Date
Venice K. Paterakis DED DEPRM RP STP TE	176	11-30-92 N
John and Constance Morabito DED DEPRM RP STP TE	179	
Edward J. and Joyce A. Benesch ED DEPRM RP STP TE	181	NC
Edward T. and Leigh Ann Schnei ED DEPRM RP STP TE	der 182	NC
Dale and Sue Chambers ED DEPRM RP STP TE	183	NC
======================================	185	ルC
Stonegate at Patapsco (Azreal 1 0476 ON DED TE (Waiting for developer	to submit plans fire	6-1-92 st) ========

BALTI	HORE	COUNTY,	MARYLAND
	INTER-	OFFICE CORRESPON	DENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 3, 1992

Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petitions from Zoning Advisory Committee (November 30, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Venice K. Paterakis, Item No. 176 John and Constance Morabito, Item No. 179/ Edward and Joyce Benesch, Item No. 181 Edward and Leigh Ann Schneider, Item 182 Dale and Sue Chambers, Item No. 183

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief:

EMcD/FM: rdn

176.ZAC/ZAC1



O. James Lighthizer Secretary Hal Kassoff

Ms. Julie Winierski Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204

Baltimore County Item No.: # 179 (LJ6) John Morabito and Constance Morabito

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

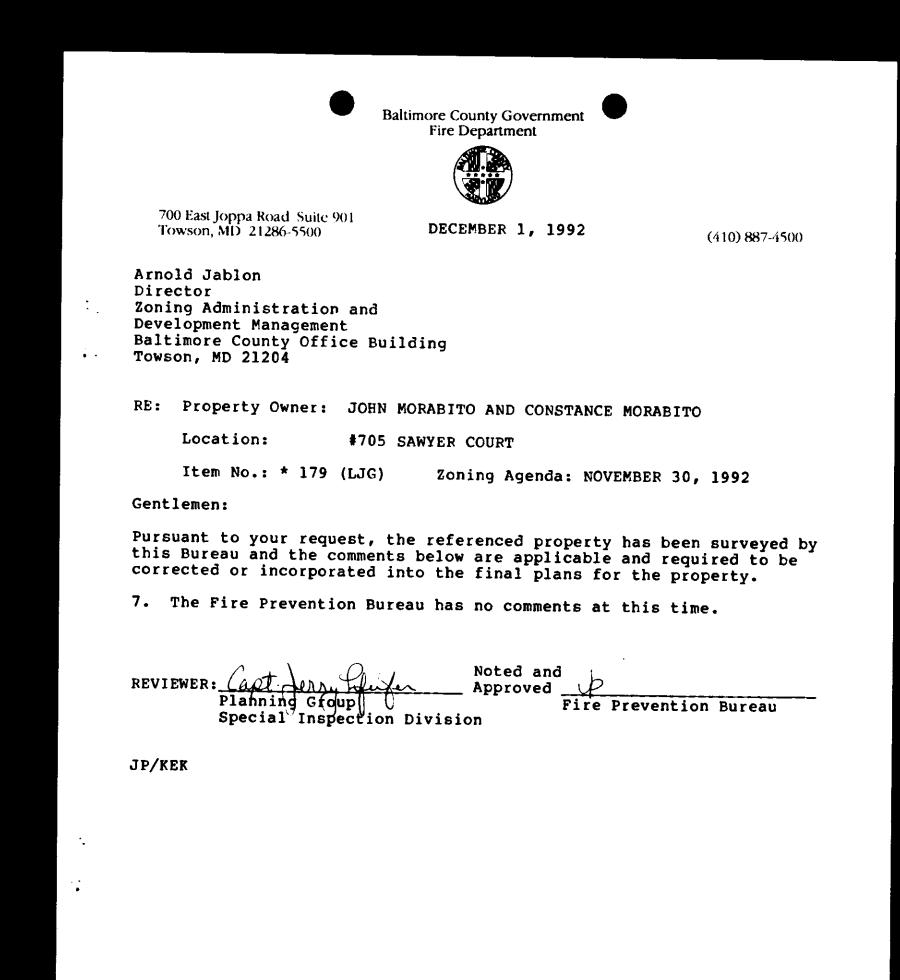
My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free
707 North Calvert St., Baltimore, Maryland 21203-0717

DPW/Traffic Engineering 12/01/92 File Number Waiver Number Zoning Issue Meeting Date Venice K. Paterakis 176 11-30-92 DED DEPRM RP STP TE /Y/ C John and Constance Morabito DED DEPRM RP STP TE Edward J. and Joyce A. Benesch Edward T. and Leigh Ann Schneider DED DEPRM RP STP TE Dale and Sue Chambers DED DEPRM RP STP TE DED DEPRM RP STP TE COUNT 5 Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) ZON DED COUNT 1 COUNT 6

* * * * END OF REPORT * * *

Auth	orized signature	e perofetara ful	Date /2-/4-9
File	Project Name Number Waiver N	lumber Zoning Issue	e Meeting Date
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Rec'd 12/1/02

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue

John and Constance Morabito

9th Election District - 4th Councilmanic

Re: CASE NUMBER: 93-171-A LOCATION: E/S Sewyer Courtk, 105' S Seework Road 705 Sawyer Court

Dear Petitioner(s):

5000 Anthony Avenue

Baltimore, Maryland 21206

Towson, MD 21204

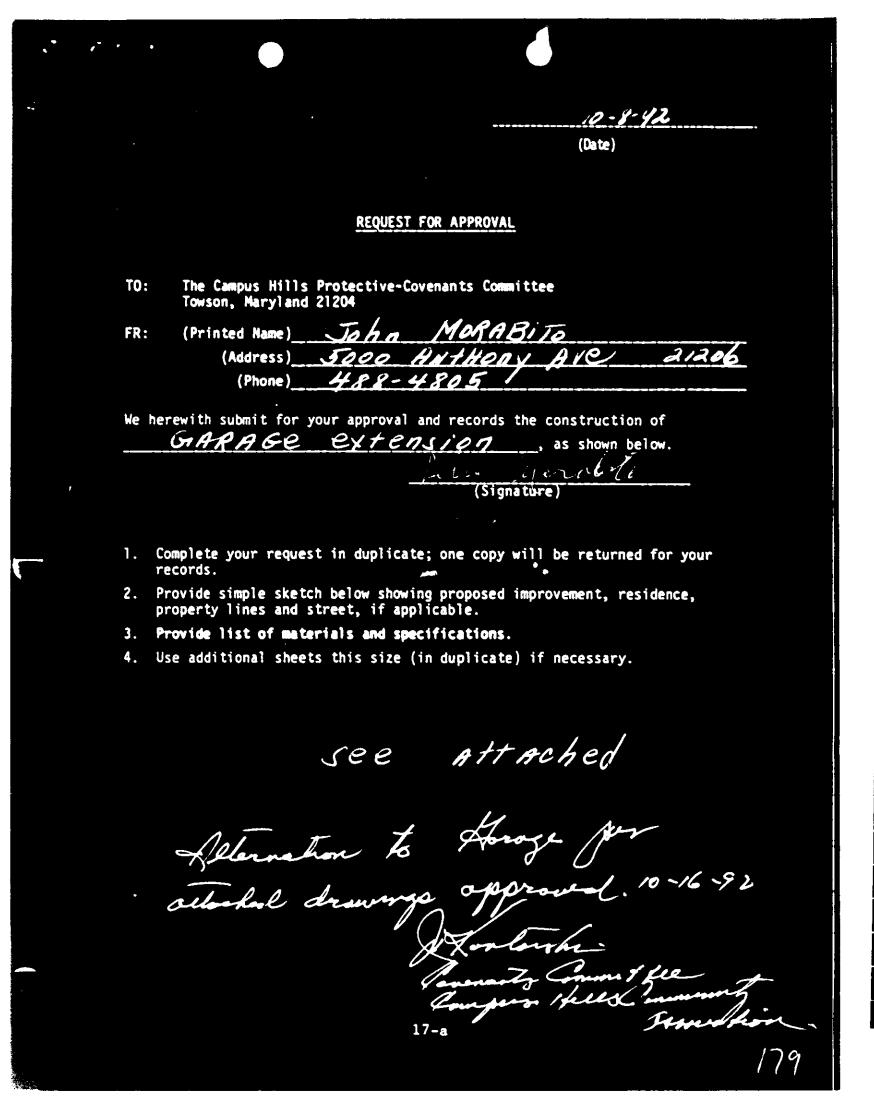
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

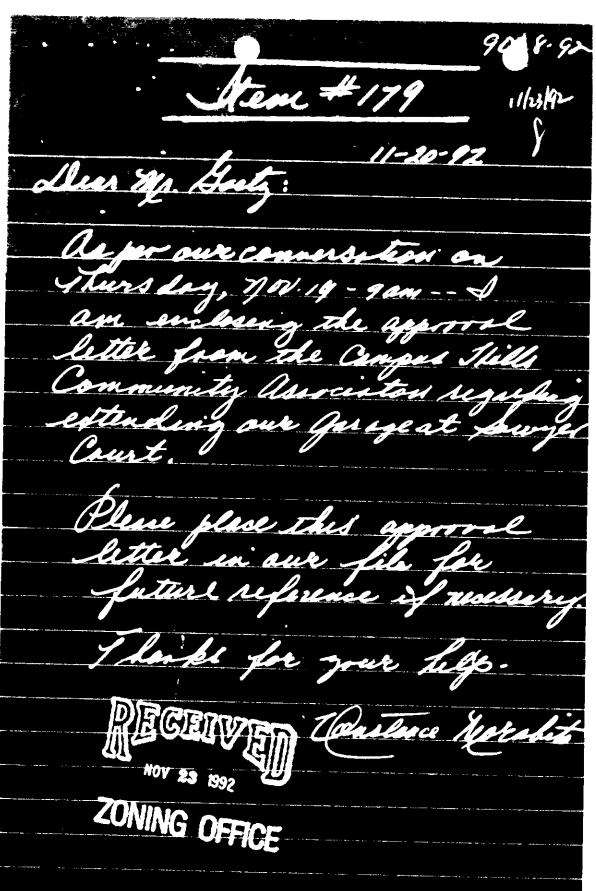
1) Your property will be posted on or before December 1992. The closing date (December 21, 1992) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

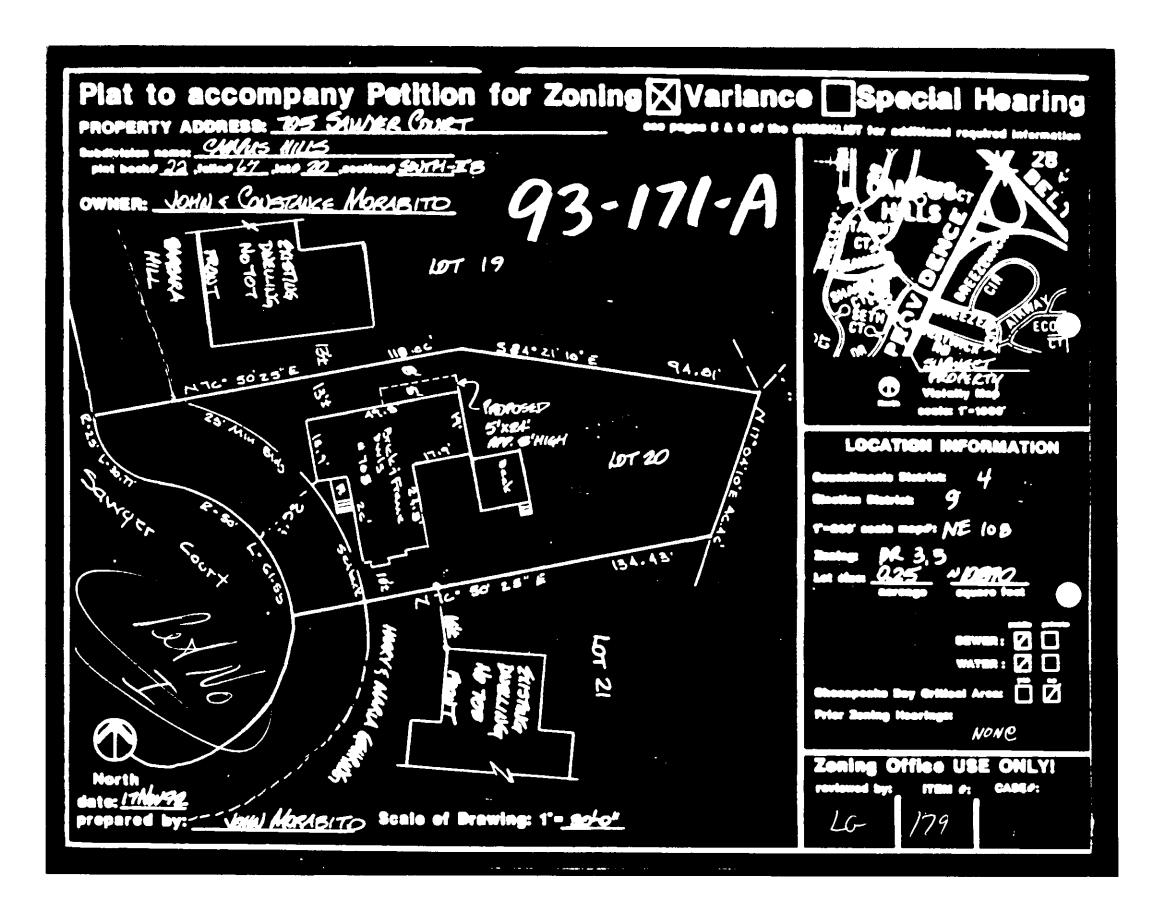
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

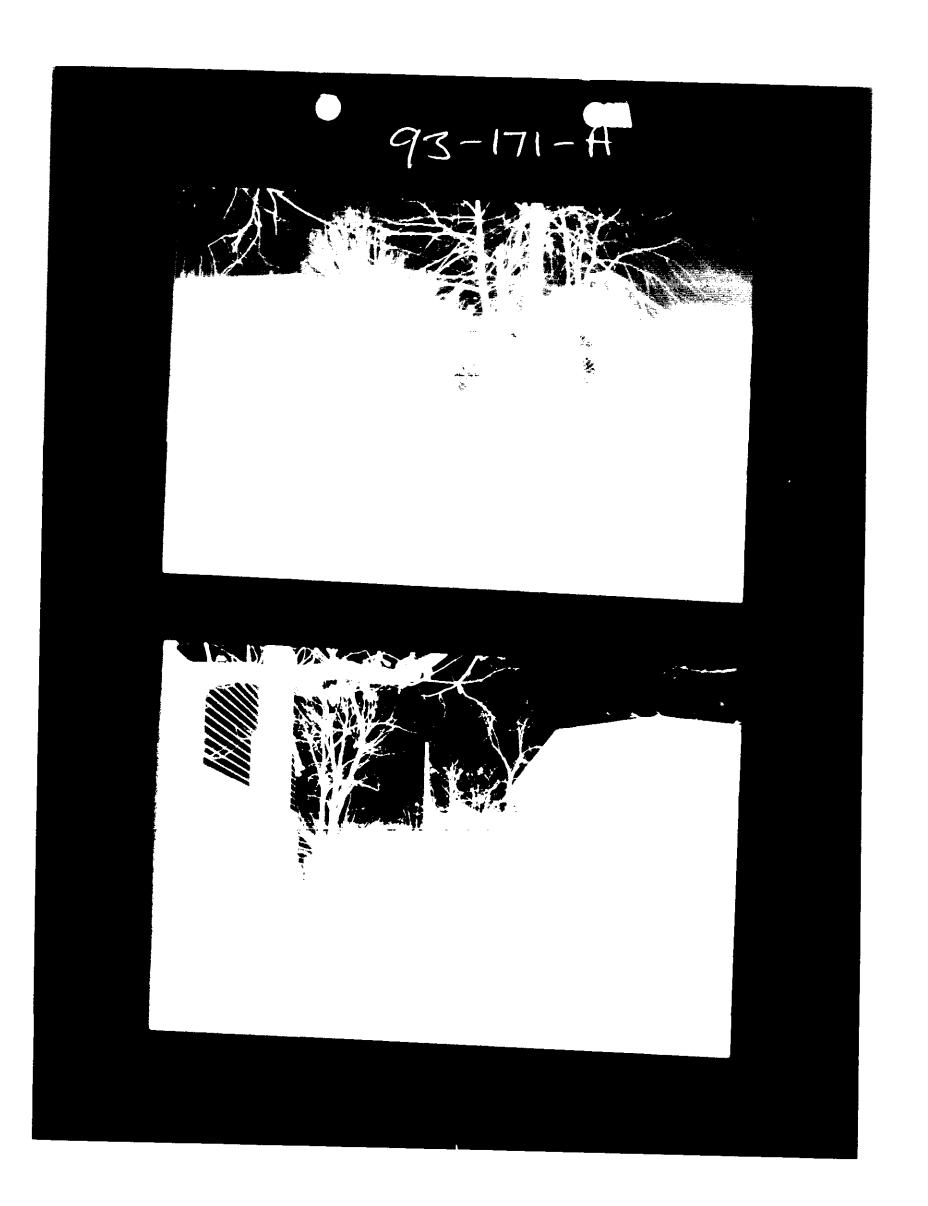
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

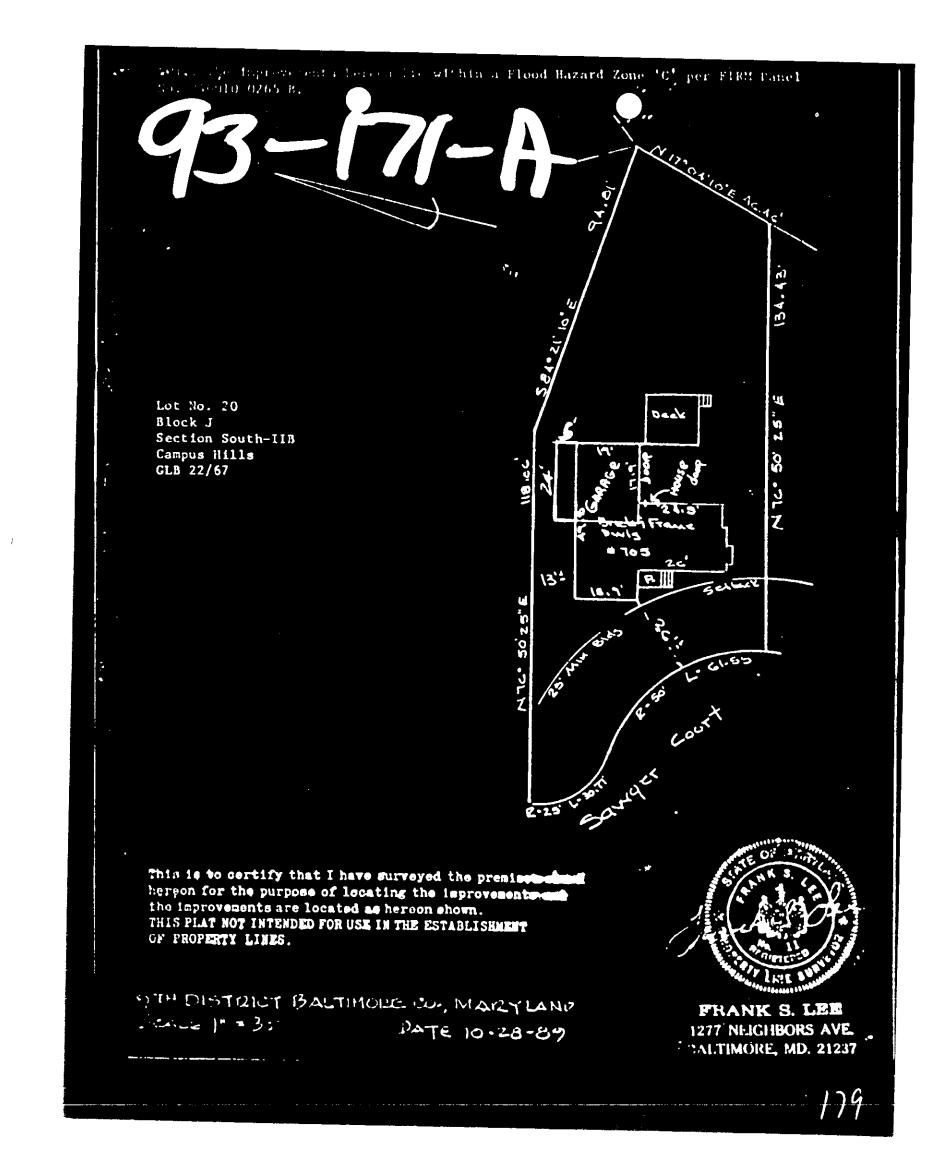
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

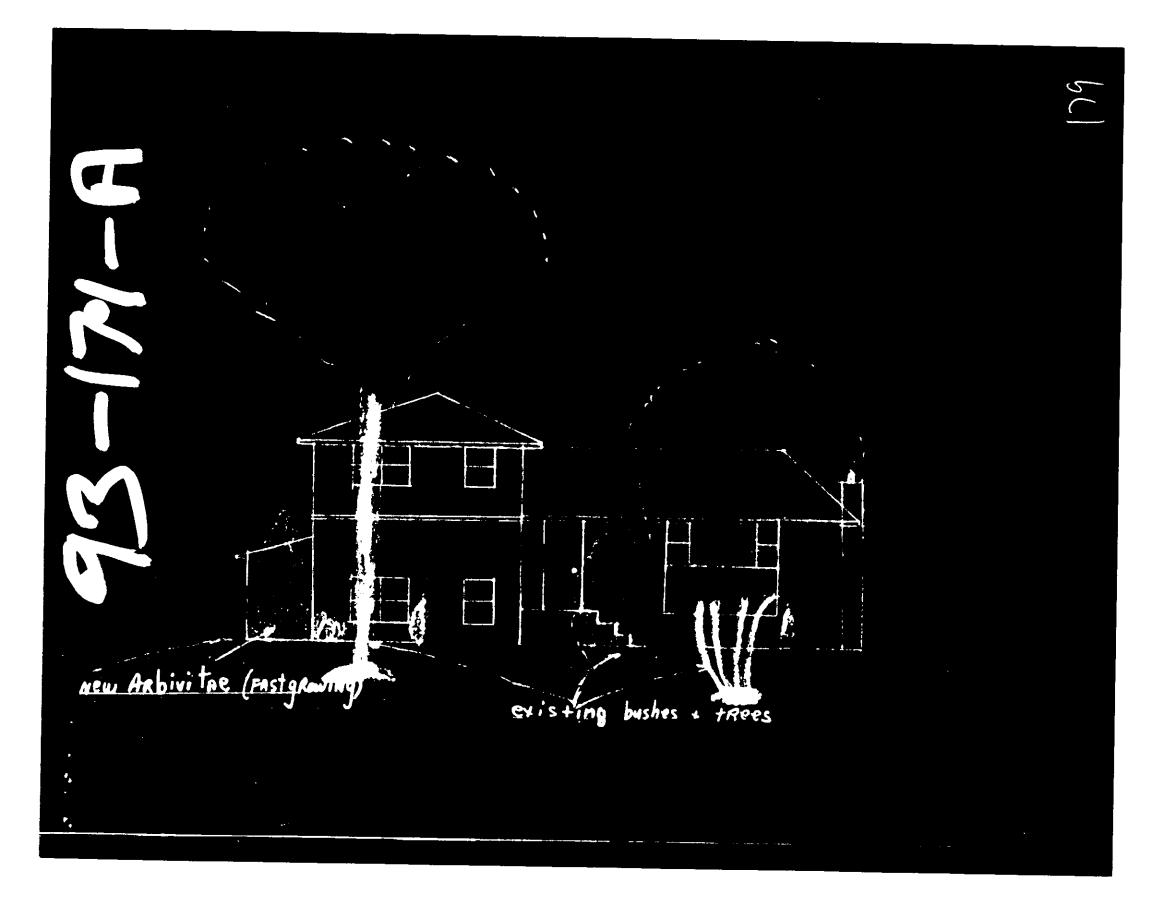




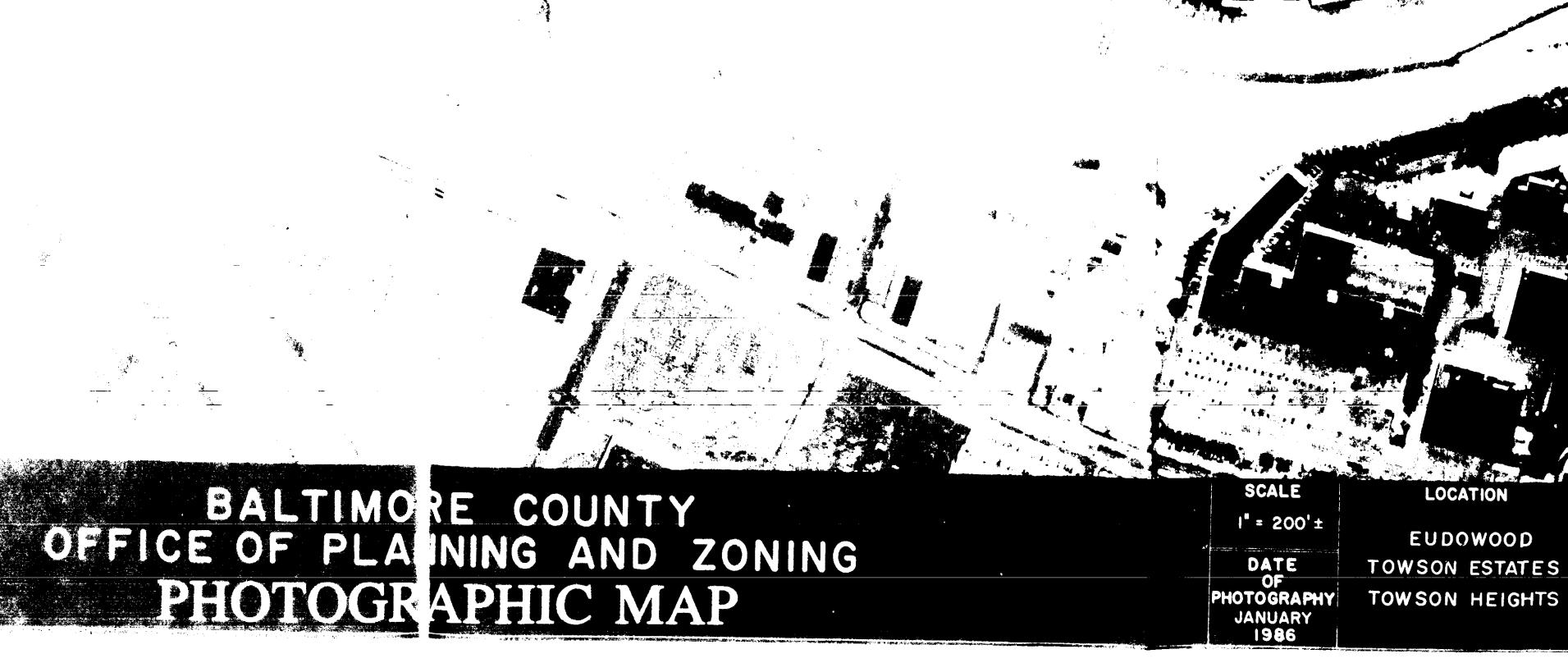












l" = 200'±

DATE TOWSON ESTATES
OF
PHOTOGRAPHY
JANUARY
1986

N.E.

10-B